

Attorney Docket No.: 019433-000620US

PTO/SB/01A (08-03)

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention **MAGNESIUM AMMONIUM PHOSPHATE CEMENT COMPOSITION**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/772,857, filed on February 4, 2004,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 MICHAEL ZIMMERMANN

Date:

Mar. 10, 2004

Signature: *M. Zimmermann*

Citizen of:

Germany

Inventor 2 _____

Date: _____

Signature: _____

Citizen of: _____

Inventor 3 _____

Date: _____

Signature: _____

Citizen of: _____

Inventor 4 _____

Date: _____

Signature: _____

Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number**20350****OR**☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

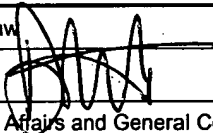
KYPHON, INC.

1221 Crossman Avenue

Sunnyvale, California 94089

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	David M. Shaw	Date	March 17, 2004
Signature		Telephone	408.548.6500
Title	V.P. of Legal Affairs and General Counsel		



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: MICHAEL ZIMMERMANN

Application No./Patent No.: 10/772,857

Filed/Issue Date: 02/04/04

Entitled: MAGNESIUM-AMMONIUM-PHOSPHATE CEMENT COMPOSITION

KYPHON INC., a Delaware Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, with a recordation date of _____.

2. From: _____ To _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, with a recordation date of _____.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, with a recordation date of _____.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 17, 2004

Date

David M. Shaw

Typed or printed name

V.P. of Legal Affairs and General Counsel

Title